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EXAMINER
ALVAREZ, RAQUEL

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DAVID N. HARRIS

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Appeal 2010-001093
Application 09/760,271
Technology Center 3600

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Before HUBERT C. LORIN, JOSEPH A. FISCHETTI, and
BIBHU R. MOHANTY, *Administrative Patent Judges.*

MOHANTY, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellant seeks our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 1-3 and 5-36 which have been at least twice rejected and are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We AFFIRM.

THE INVENTION

The Appellant's claimed invention is directed to facilitating verification of an electronic purchase by an account holder (Spec.1:11-13). Claim 1, reproduced below, is representative of the subject matter of appeal.

> 1.   A computer system for verifying a commercial transaction between a user with credit card information and a merchant, said computer system comprising:
>   a processing unit for processing data and code; and
> memory for storing said data and said code, said data and said code comprising
>
>   a merchant communications module operative to facilitate a connection with said merchant for receiving a transaction approval request, said transaction approval request including information to identify an account-holder associated with said credit card information,
>
> at least one pre-verification condition associated with said account-holder, said pre-verification condition defining a pre-verified circumstance when account-holder verification is not needed,

an authorization module responsive to said transaction approval
request and operative to compare said transaction approval request
with said at least one pre-verification condition, to verify said
transaction approval request without account-holder verification if
said at least one pre-verification condition is satisfied, and to verify
said transaction approval request with said account-holder if said at
least one pre-verification condition is not satisfied, and

an account-holder communication module operative to enable the
account-holder to set said pre-verification condition, so that said
account-holder can specify the circumstances when account-holder
verification is not needed.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the
rejections:

Blonder   US 5,708,422   Jan. 13, 1998

The following rejections are before us for review:

1.   Claims 1-3 and 5-36 are rejected under 35 U.S.C. § 102(b) as
anticipated by Blonder.

THE ISSUES

The issue turns on whether Blonder discloses the specific claim
limitations which have been argued for each respective claim.

FINDINGS OF FACT

We find the following enumerated findings of fact (FF) are supported at least by a preponderance of the evidence:[1]

FF1.   Blonder has disclosed an automated method for alerting a customer that a transaction is being initiated and for authorizing the transaction. (Abstract).

FF2.   Blonder at Col.7:4-12 discloses that Fig. 3 shows no-answer-credit threshold field 309 no answer-transaction field 310. Those fields identify the maximum amount and number of transactions that can be approved when the card owner cannot be reached by the system.

FF3.   Blonder at Col. 7:20-31 discloses that the system determines if the card-owner pre-imposed condition has been breached. If so, the system formats an authorization request to the card owner.

FF4. Blonder in Fig. 3 shows credit card numbers with trigger conditions, a communications address, and no answer credit and transactions thresholds.

FF5. Blonder at Col. 6:19-27 discloses that the owner of a credit card may wish to be alerted whenever that card is used at commercial establishments associated with specific merchant codes such as bar, hotels, and liquor stores allowing those establishments to be easily identified.

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[1] *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

ANALYSIS

The Appellant argues that the rejection of claims 1and 13 is improper because the claims require approval of the transaction "without account holder verification" upon satisfaction of a condition and "with account holder verification" upon failure of the condition which is not shown in Blonder (App. Br. 13-14, Reply Br. 4-6). In contrast, the Examiner has determined that rejection of record is proper (Supp. Ans. 3-5).

We agree with the Examiner. Blonder discloses that some transactions occur without account holder verification when an account condition is satisfied (FF2) and also that account holder verification is required in some instances upon failure of a condition (FF3, FF4). For these reasons the rejection of claims 1 and 13, and dependent claims 2-3, 5-6, 9-12, 14-18, 21-30, and 33-36, which have not been separately argued is sustained.

The Appellant has also argued that Blonder fails to disclose the limitations of claim 7 and 19 which require "wherein said pre-verification includes at least one merchant identifier" (App. Br. 15-16, Reply Br. 7). Blonder discloses that the owner of a credit card may wish to be alerted whenever that card is used at commercial establishments associated with specific merchant codes such as bar, hotels, and liquor stores allowing those establishments to be easily identified (FF5) meeting the cited claim limitations. Claim 20 contains a similar claim limitation drawn to a "plurality of merchant identifiers". For this reason the rejection of these claims 7 and 19-20 their depending claims 8 and 31-32 is sustained as well.

DECISION

The Examiner's rejection of claims 1-3 and 5-36 is sustained.

AFFIRMED

MP